dh

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,800	10/19/2004	Bernard Hunt	GB 020049	4796

24737 7590 07/14/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
CHOW, JEFFREY J	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/511,800	HUNT, BERNARD	
	Examiner	Art Unit	
	Jeffrey J. Chow	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 30 May 2006 for claims 1 – 9 have been fully considered but they are not persuasive. Applicant argues that neither Buxton or Kianl teach at least the second and third image being a different size than the first image. Kianl (US 6,658,276) clearly shows in Figures 5A and 5B between the portrait and landscape mode the sections with the graphs and the axis are different sizes from each other in the two figures.

The specification objections have been withdrawn due to applicant's arguments and amendments.

The claim objection has been withdrawn due to applicant's amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 – 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the acts" in line 2. There is insufficient antecedent basis for this limitation in the claim. Suggestion is made to amend claim 6 to read "acts of" instead of "the acts of".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton (Patent # 6,115,025) in view of Kianl (Patent # 6,658,276).

Regarding independent claim 1, Buxton discloses a display 12 that displays a work image, such as art work, documents, photographs, graphics, etc., on which a user is working (column 4, 12 – 14 and Figure 1), which reads on the claimed electronic device including an electronic display comprising a screen and circuitry for providing display data to the screen. Buxton also discloses the change in orientation of the user interface with respect to the change in orientation of the display where the user interface remains upright relative to the user and because of this, Buxton's system can cover all angles and have different orientations and display mode for all angles (column 4, lines 26 – 65 and abstract), which read on the claimed circuitry being operable in at least two modes, the claimed first mode in which display data is provided to the screen for viewing in a first orientation, and the claimed second mode in which display data is provided to the screen for viewing in a second, orthogonal, orientation. However, Buxton does not explicitly disclose in details of how images and displayed data are to be reoriented during the rotation. Kianl discloses a display that has two modes where the first mode have several images where at least one of the images takes up a substantial portion of the screen (Figure 11A), and another mode that is orthogonal to the first mode by a rotation along the

normal of the display screen and not a rotation made other than the rotation along the normal of the display screen (such as a rotation made along on an axis that is parallel to the plane of the display screen), where the images are repositioned in the another mode, which is orthogonal to the first mode by a rotation along the normal of the display screen, and where the images are on top of each other in a non-overlapping manner and taking up a substantial amount of the width of the display screen (Figures 11A and 11B). It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Buxton's system with Kianl's teachings of repositioning images and displayed data when rotation has occurred to display images in an effective manner where data loss due to rotation and images being larger either in width or height of the screen would not occur, which allows the system to display all the information that were original on the screen in any mode or orientation without any data loss. Kianl further discloses a signal quality waveform 510 and a patient's pulse by a series of vertical lines 512 in a horizontal form and a vertical format (Figures 5A and 5B) and where it is clear that the signal quality waveform and the series of vertical lines are different sizes between these modes, which reads on the claimed wherein at least one of the second and third images has a different size than the first image.

Regarding independent claim 6, claim 6 is similar in scope as to claim 1, thus the rejection for claim 1 is applicable to claim 6.

Regarding dependent claims 2 and 3, Buxton did not explicitly disclose the specific aspect ratio of 16:9 and 1.4:1 but Buxton did disclose rotating any screen with any resolution as the invention was not limited to a design choice. It would have been obvious for one of ordinary

skill in the art at the time of the invention to modify Buxton's system with any given aspect ratio because this is what Buxton discloses and because this is what Buxton's system can do.

Regarding dependent claims 4 and 7, Kainl discloses the images in the landscape mode to be right on top of each other in portrait mode, where the portrait mode is the second orientation (Figure 5A and 5B), which reads on the claimed second and third images are provided one above the other and occupy substantially the full width of the screen in the second orientation.

Regarding dependent claim 5, Buxton discloses the change in orientation of the user interface with respect to the change in orientation of the display (column 4, lines 26 and 27 and Figures 3a – 3b), which reads on the claimed display screen is rotatable with respect to the device between the first and second orientation.

Regarding dependent claim 8, Buxton discloses the operation of switching display mode is automatic that is dependent on the orientation of the display screen (column 5, lines 25 – 51), which reads on the claimed step of determining whether to display according to a first or second mode of operation is carried out automatically in dependence of the display data.

Regarding dependent claim 9, Kianl discloses the user that can toggle the display mode by using the rotate soft key icon 868 (column 5, lines 57 – 60), which reads on the claimed step of determining whether to display according to a first or second mode of operation comprises receiving an instruction from a user of the device.

Regarding dependent claim 10, Kianl discloses a signal quality waveform 510 and a patient's pulse by a series of vertical lines 512 in a horizontal form and a vertical format (Figures 5A and 5B) and where it is clear that the signal quality waveform and the series of vertical lines are substantially reduced and fitted to the width of the screen (Figure 5B), which reads on the

claimed at least one of the second and third images is reduced to substantially fill a width of the screen.

Regarding dependent claim 11, Kianl discloses a signal quality waveform 510 and a patient's pulse by a series of vertical lines 512 in a horizontal form and a vertical format (Figures 5A and 5B) and where it is clear that the signal quality waveform and the series of vertical lines have identical aspect ratio at least in one direction as both the signal quality waveform and the series of vertical lines fit to the width of the screen (Figure 5B), which reads on the claimed the second and third images have identical aspect ratios.

Regarding dependent claim 12, Kianl discloses a signal quality waveform 510 and a patient's pulse by a series of vertical lines 512 in a horizontal form and a vertical format (Figures 5A and 5B) and where it is clear that the signal quality waveform and the series of vertical lines have identical aspect ratio at least in one direction as both the signal quality waveform and the series of vertical lines fit to the width of the screen and that both the signal quality waveform and the series of vertical lines are substantially reduced and fitted to the width of the screen (Figure 5B), which reads on the claimed the second and third images are reduced to fill a width of the screen and have identical aspect ratios.

Examiner will note that inventor for patent number 6,658,276 is misspelled and the examiner uses the misspelled name of the inventor for this office action. The actual spelling of the inventor's name is "Kiani". For clarifications, the misspelled name, "Kianl", of the inventor's name for patent number 6,658,276 will be used for this office action as it appears on

the patent number 6,658,276 that is not corrected, but noted in the corrections at end of the patent.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Chow whose telephone number is (571)272-8078. The examiner can normally be reached on Monday - Friday 10:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJC

ULKA CHAUHAN
SUPERVISORY PATENT EXAMINER